

HUMAN SERVICES BOARD

INTRODUCTION

FINDINGS OF FACT

1. The petitioner was found eligible for VHAP on August 3, 2004. At that time he was notified that based on his income he would be charged a program fee of \$45 a month to maintain his eligibility.
2. The petitioner has countable income of \$825.60 per month in unemployment benefits. Out of that amount, however, \$25 a week is deducted for tax withholding.
3. The petitioner's basic living expenses currently exceed his income. He maintains that he simply can't afford to pay a premium to maintain VHAP coverage.
4. The petitioner underwent surgery following an aneurysm in November 2003. He has applied for Social Security

disability benefits. At the hearing in this matter, held on September 8, 2004, the petitioner was advised to apply for Medicaid based on his alleged disability. (The Medicaid program does not charge a monthly program fee.) The petitioner was also advised to inform the Department when his unemployment benefits expire.

ORDER

The Department's decision is affirmed.

REASONS

In response to a legislative directive (Act 66 of 2003) to enact cost-savings measures designed to sustain the public health care assistance programs, PATH adopted regulations establishing monthly "premiums" to be paid prospectively by VHAP recipients beginning on January 1, 2004. W.A.M. § 4001.91, Bulletin No. 03-17F. The regulations were adopted by an expedited rulemaking process authorized by the legislature at section 152a of the above-cited Act. A single individual with gross income of between \$776 and \$1,164 a month (between 100 and 150 percent of Federal poverty guidelines) is required to pay \$45.00 per month for VHAP coverage. *Id.*

Although this fee impacts harshly upon the petitioner, it appears that the Department has acted correctly within the directive of the legislature and pursuant to its own regulation. As such, the Board is bound to affirm the decision. 3 V.S.A. § 3091(d), Fair Hearing Rule 17.

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